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6 Attorneys for Defendant
JOHN J. COTA

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOHN J. COTA and
14 FLEET MANAGEMENT LTD.,

15 Defendants.

Case No. CR 08-00160-SI

STIPULATION AND ORDER

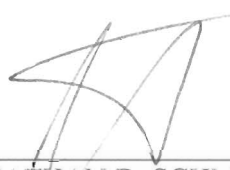
17 It is hereby stipulated, subject to this Court's confirming order, that defendant John Cota
18 shall be permitted to submit two reports to the NTSB – one to be part of the public record and
19 one to be marked and treated by the NTSB as "official use only." The public report may include
20 references to facts and inferences drawn from those facts without attribution to the Rule 15
21 testimony of any particular witness. In addition, copies of the following materials may also be
22 produced to the NTSB as part of the public report including Exhibit 14.4, the more accurate
23 VDR transcript, Ex. 6.1-6.3, the photos of the ECS taken by the Coast Guard and Exhibit C-39, a
24 power point presentation prepared on behalf of Captain Cota reconstructing the voyage of the
25 ship on November 7, 2007.

26 In the more detailed report, marked as "official use only," Captain Cota may submit to
27 the NTSB detailed references to Rule 15 testimony including page and line citations, paraphrases
28


1 and direct quotes. The NTSB is ordered to treat this submission in the same manner that it is
2 treating the Rule 15 deposition transcripts, that is as part of its "official use only" file that will
3 not be made part of the public record until some point after the conclusion of the criminal
4 proceedings.

5 IT IS SO STIPULATED

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7 DATED: February 3, 2009


JONATHAN D. SCHMIDT
Assistant United States Attorney
United States Attorney's Office

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11 DATED: February 3, 2009

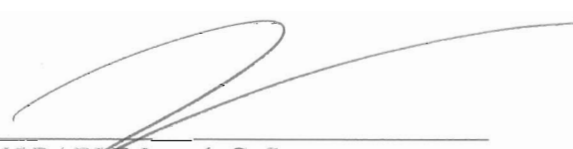

MARC R. GREENBERG
Keesal Young & Logan

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14
15 DATED: February 3, 2009


JEFFREY L. BORNSTEIN
K&L Gates LLP

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19 IT IS SO ORDERED.

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21 DATED: February 3, 2009


HONORABLE Joseph C. Spero
United States Magistrate Judge